



Use of School Facilities

To: Dr. Joel Boyd, Superintendent of Schools

From: Dr. James P. Hall, Chief Operating Officer

Date: October 16, 2020

The enclosed School Committee policy and regulations, "Community Use of School Facilities" and "Regulations Governing the Use of School Facilities" establish how and when the use of school facilities can be approved.

The policy states that the "Superintendent will develop, and the Committee shall approve, detailed regulations pertaining to the use of school facilities in keeping with the above requirements." The enclosed guiding documents do not bar the use of school facilities during the school day, nor is the use prohibited when a school is not in full use. However, recommend that "Section F. Scheduling Priority" should be amended, for the pandemic, to allow for and planning for facility uses benefiting the school community, particularly when buildings are not in full use. I would recommend the below "Paragraph 3" be added to "Regulations Governing the Use of School Facilities" until June 30, 2021:

3) From the period of October 21, 2020 until June 30, 2021, during time periods when school is either partially closed, not in fully use, or fully closed due to COVID-19, the Superintendent may allow for use by one of the above entities in Paragraphs 2(a-c), so that continuity of use may be established and so that entities and participants can properly plan and schedule use. For the Superintendent to make such a determination to allow such a continued use for up to one month at a time, the following elements must all be present:

- a. The area of the building requested for use must not be needed for school or school activities;*
- b. The intended use supports the education of students within the City of Lowell;*
- c. Written assurance has been provided to the Superintendent opining that the planned use has protections in place which will limit community spread of COVID-19.*

File: KF - COMMUNITY USE OF SCHOOL FACILITIES

State law provides that:

"For the purpose of promoting the usefulness of public school property, the School Committee of any city may conduct such educational and recreational activities in or upon school property under its control, and, subject to such regulations as it may establish, and consistently and without interference with the use of the premises for school purposes, shall allow the use thereof by individuals and associations for such educational, recreational, social, civic, philanthropic and like purposes as it deems in the interest of the community. The affiliation of any such association with a religious organization shall not disqualify such associations from being allowed such a use for such a purpose. The use of such property as a place of assemblage for citizens to hear candidates for public office shall be considered as civic within the meaning of this section."

It is the policy of the Lowell School Committee to permit a responsible Lowell organization the use of school buildings to the extent that there is no interference with the educational program.

The complete control of school buildings and equipment is by law vested in the School Committee. Therefore, the superintendent will develop, and the Committee shall approve, detailed regulations pertaining to the use of school facilities in keeping with the above requirements.

Adoption date: May 28, 1975

LEGAL REFS.: M.G.L. 71:71; 71:71B; 272:40

CONTRACT REFS.: Lowell Teacher's Organization Agreement

Lowell Administrators' Organization Agreement

LOWELL PUBLIC SCHOOLS

REGULATIONS GOVERNING THE USE OF SCHOOL FACILITIES

A.) General Areas of Use

- 1.) Organizations (any group or entity excluding the Lowell Public Schools) using school buildings or grounds under a permit from the Lowell School Committee are restricted to the use of the rooms and/or spaces assigned to them. Participants found wandering unsupervised in a school building will be immediately escorted out of the facility. The sponsor of the activity will be notified.
- 2.) Organizations using school buildings will use only one designated entry and exit. An adult, an individual over the age of twenty-one (21), must be present during the entire duration of the activity to monitor and control the entering and existing of children participating in the activity. Organizations are required to provide adult supervision at the entrance of the facility during the entire duration of the event to ensure the safety of the participants and the facility.
- 3.) Specific bathroom facilities will be designated for use and only those bathrooms will be accessible. The organization using the building will be responsible for monitoring these bathrooms.
- 4.) No intoxicated or disorderly individuals shall be allowed on any part of the school premises.
- 5.) Organizations that are not required to hire a custodian must clean up all trash and debris generated as well as organize the equipment used during the event.
- 6.) Organizations using school buildings must acknowledge and comply with Massachusetts General Law, Chapter 269, Sections 17 – 19, the Anti-Hazing Law, a copy of which is attached as Appendix B. By submitting an application, the organization acknowledges their compliance with the terms and conditions of M.G.L. c. 269, §§ 17-19.

B.) Specialty Areas of Use

- 1.) All organizations will be responsible for repair and/or replacement of any equipment found damaged or missing after the scheduled activity.

- 2.) Whenever kitchen facilities are used, a Lowell Public Schools food service employee must be present to assure proper and safe use of the kitchen facilities. In such cases, the organization shall be responsible for payment of the prevailing food service employee hourly rate.
- 3.) Facilities and individual rooms are provided for use without supplies and/or equipment. Organizations using school facilities must supply their own materials and are not permitted to use classroom supplies or equipment. Equipment may only be used with specific permission granted under a permit from the Lowell School Committee.

C.) Gymnasiums

- 1.) Street shoes or boots may not be worn during any activity on a gymnasium floor. Markers, tape, skates, sticks, or bats that mark the gymnasium floor may not be used during any activity. Participants may not hang on basketball rims or nets.

D.) Beverages, Food and Smoking

- 1.) Unless specific permission is requested and granted at the time of approval, beverages or food may only be served in the cafeteria. Beverages, excluding water, or food may not be taken into a school gymnasium. The serving of beverages and food in a school foyer requires specific permission from the Lowell School Committee.
- 2.) Alcoholic beverages may not be brought into the school facilities or on any part of the school property.
- 3.) Smoking is not permitted in any school facility. Schools are a smoke free environment.

E.) Damage to Property

- 1.) Signs or posters of any kind may not be hung on or about the school facility. Existing signs or posters are not to be marked or defiled in any way.
- 2.) All incidents involving personal injury, damage to, or loss of property, must be reported within 48 hours to the Lowell Public Schools Office of Finance & Operations on Appendix A, Incident Report Form.

- 3.) Costs to repair any damage resulting from the use of the school facility, as to its physical plant and/or equipment, whether by accident or otherwise, shall be the responsibility of the organization using the facility.

F.) Scheduling Priority

- 1.) Lowell Public School activities receive priority over other organizations for the use of buildings. Scheduled activities may be preempted by Lowell Public School activities, provided a notice of no less than 72 hours is given to the permitted organization.
- 2.) In the event of competing requests for the use of facilities, the following priority order will be used to grant permission for the use of facilities:
 - a.) Lowell Public School Activities
 - i.) Individual School Activities
 - ii.) Interscholastic and Intramural Activities
 - iii.) Extended Time Programs
 - b.) City of Lowell Activities
 - i.) Parks & Recreation Department Activities
 - c.) Non-Profit Organizations
 - i.) Parochial and Private School Activities
 - ii.) Community Group Activities
 - d.) Commercial Organizations

G.) Chaperones and Crowd Control

- 1.) All functions that are attended by minors, individuals under the age of eighteen (18), must be properly chaperoned by one or more adults. Adult chaperones, individuals over the age of twenty-one (21), must be present during the entire duration of the activity. There must be at least one adult chaperone per twenty (20) minors.
- 2.) Depending on the number of individuals attending an activity on school property, the Lowell School Committee may require one or more police officers or firefighters to be employed for crowd control and to ensure public safety, at the cost of the organization. The Superintendent of Schools or his/her designee shall determine the need for such services.

H.) Parking

- 1.) The parking facility across from Lowell High School may be available to any organization on a fee basis. For more information contact the City of Lowell Parking Department at (978) 970-4152.

I.) Cancellations

- 1.) All organizations are responsible for notifying the school principal and the building senior custodian of cancellations at least twenty-four (24) hours prior to the scheduled activity. In the event that the Lowell Public Schools are officially closed by the Superintendent of Schools due to inclement weather, all scheduled activities are cancelled.

J.) Charges and Fees

- 1.) School related student and P.T.O. activities may be exempted from fees with permission from the Superintendent of Schools or his/her designee.
- 2.) All non-school affiliated organizations shall be required to pay, at a minimum, custodial overtime charges and/or security officer charges currently in effect for each hour that custodians and/or security officers are assigned to open and provide appropriate security for the school facility. The decision regarding the need for custodians and/or security officers will be made by the Superintendent of Schools or his/her designee.
- 3.) All non-school affiliated organizations will incur custodial and/or security charges for facility use on Saturday's, "No School" holidays (including school vacation weeks) and Christmas eve.
- 4.) Interpretations of the fee schedule and the final determination of fees to be charged will be made by the Superintendent of Schools or his/her designee.
- 5.) The Lowell School Committee, acting through the Superintendent of Schools or his/her designee, may exempt organizations from the user fees. In such cases, the organization will only be charged the custodial overtime and/or security charges related to the facility use. At the time of application filing, a written request for exemption of fees must be made to the Superintendent of Schools. Unless a written request for the exemption of fees is requested at the time of application, all appropriate user fees as outlined in Section J-6 will be charged to the applicant organization.

- 6.) In addition to payment of custodial and/or security charges, the following fees will be charged for the use of facilities:

Lowell High School

	Hourly Fee Structure
Classroom	\$ 20.00 per hour
Auditorium	\$ 100.00 per hour
Gymnasium	\$ 100.00 per hour
Little Theatre	\$ 25.00 per hour
Cafeteria	\$ 25.00 per hour
Swimming Pool	\$ 75.00 per hour

Elementary & Middle Schools

	Hourly Fee Structure
Classroom	\$ 20.00 per hour
Auditorium / Theatre	\$ 75.00 per hour
Gymnasium	\$ 50.00 per hour
Cafeteria	\$ 25.00 per hour

- 7.) Use of Lowell Public School buildings are subject to the current Regulations Governing the Use of School Facilities. By submitting an application, any organization using Lowell Public School facilities agrees to the terms and conditions of the use of facilities regulations.

K.) Violation of Regulations

- 1.) Violation or failure to comply with any specific arrangements contained in the permit for the specified use of a facility may lead to withdrawal and/or suspension of the permit. Additionally, future requests for use of facilities may not be considered.

LOWELL PUBLIC SCHOOLS

USE OF SCHOOL FACILITIES

INCIDENT REPORT

All incidents involving personal injury, damage to or loss of property must be reported within 48 hours of the incident to the Lowell Public School Office of Finance and Operations.

PLEASE PRINT OR TYPE

Facility/School where incident occurred: _____

Organization using the facility/school: _____

Representative filing the incident report: _____

Representative's Address: _____

Telephone Number(s) Day: _____

Evening: _____

Date of incident: _____ Time of incident: _____

Brief description of the incident:

Witness(s):

Name: _____ Telephone Number: _____

Address: _____

Name: _____ Telephone Number: _____

Address: _____

SCHOOL DEPARTMENT USE ONLY

Incident report received by: _____ Date: _____

Action taken:

Chapter 269: Section 17. Hazing; organizing or participating; hazing defined

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Chapter 269: Section 18. Failure to report hazing

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Chapter 269: Section 19. Copy of Secs. 17 to 19; issuance to students and student groups, teams and organizations; report

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

**ANNUAL STATEMENT OF ACKNOWLEDGEMENT
FOR STUDENT GROUPS, TEAMS, AND ORGANIZATIONS**

ANTI-HAZING LAW, M.G.L. c. 269, §§ 17-19

To: Secondary School Principal or Headmaster

On behalf of _____, I certify that the
(name of student group, team, or organization)

_____, and its members, plebes,
(name of student group, team, or organization)

pledges, or applicants for membership have received a copy of An Act Prohibiting the Practice of

Hazing, M.G.L. c. 269, §§ 17-19; and that the _____
(name of student group, team, or organization)

understands and agrees to comply with the law.

Date: _____

Signed: _____
(Designated Officer)

(Printed Name)

Faculty Advisor or Leader: _____
(for school affiliated group, team, or organization only)

Date Received by Principal or Designee: _____

C: School Files
Central Office Files